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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

WHITE MEMORIAL MEDICAL  
CENTER,

Petitioner,

v.

THE SUPERIOR COURT OF LOS  
ANGELES COUNTY,

Respondent;

SIGRID LOPEZ,

Real Party in Interest.

No. B193389

(Super. Ct. No. BC323814)

ORIGINAL PROCEEDINGS in Mandate. Mel Recana, Judge. Writ granted.

Sidley Austin, Jeffrey A. Berman and James M. Harris for Petitioner.

No appearance for Respondent.

Shegerian & Associates and Carney R. Shegerian for Real Party in Interest.

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This case arises from an order denying a motion to strike punitive damages allegations. The motion was based on Code of Civil Procedure section 425.14. That statute prohibits a claim in a complaint or other pleading for punitive damages against a religious corporation unless the court first allows it on application by the plaintiff and a finding substantiating the likelihood that plaintiff will satisfy the clear and convincing evidence standard of Civil Code section 3294.

The underlying lawsuit was brought by real party in interest Sigrid Lopez against White Memorial Medical Center (Medical Center), and others. It includes punitive damages allegations and a related prayer against the Medical Center, and others. The Medical Center moved to strike these allegations insofar as they pertained to itself. (The Medical Center also sought other relief, including an order striking other portions of the pleading; the issues raised by those parts of the motion, and the trial court's rulings, are not before us on this writ petition.) In supporting points and authorities, the Medical Center argued that it is a religious corporation. The motion was supported by an authenticated copy of the Medical Center's articles of incorporation and "related" articles of incorporation, filed with the California Secretary of State. They declare it to be a religious corporation. Article IV of the related articles of incorporation declares the corporation to be one "organized under the Nonprofit Religious Corporation Law exclusively for religious purposes." The Medical Center "is affiliated with and operates subject to and in harmony with the policies, guidelines and procedures of Adventist Health System/West." The Medical Center also presented documentary evidence that the Secretary of State had classified it as a religious corporation.

Plaintiff filed an amended pleading which continued to seek punitive damages from the Medical Center on various theories. The Medical Center filed a new motion to strike on the basis of Code of Civil Procedure section 425.14, supported by the same showing that it is a religious corporation. Plaintiff opposed the motion.

The hearing was lengthy and focused principally on other issues. With respect to the motion to strike the punitive damages allegations and prayer, the court said that it would deny the motion without prejudice because the Medical Center "should have some

proof that, in fact, it's a religious corporation, something like what's that, . . ." Counsel for the Medical Center referred to the evidence it had submitted, and the trial court responded that "what you gave me is the articles of incorporation." Counsel for the Medical Center cited Corporations Code section 9133 (for all purposes other than action in nature of quo warranto, duly authenticated copy of corporate articles of incorporation is conclusive evidence of formation and *prima facie* evidence of corporate existence), which the court stated it would review. Counsel also offered to submit statements from the Franchise Tax Board and the Internal Revenue Service showing that the corporation is under a religious tax exemption. The court agreed to continue this part of the Medical Center's motion for such further submission.

A supplemental declaration by the senior vice president and chief financial officer of the Medical Center stated that it is part of the Seventh-Day Adventist Church, which, as a church, is exempt from California income tax, and from federal income tax under section 501(c)(3) of the Internal Revenue Code. Exemption letters from the Franchise Tax Board and Internal Revenue Service were attached. Nevertheless, the court ruled that the Medical Center had not provided "valid evidence that it is a 'Religious Corp.' entitled to protection under C.C.P. Section 425.14" and, on that basis, denied the motion to strike without prejudice.

The present petition followed. We issued an alternative writ of mandate and order to show cause. Plaintiff, as real party in interest, filed a formal notice of non-opposition to the alternative writ and order.

Petitioner has amply established that it is a religious corporation entitled to the protection of Code of Civil Procedure section 425.14. The trial court erred in refusing to strike the punitive damage allegations insofar as they relate to the Medical Center. It must do so now.

## **DISPOSITION**

Let an order issue under the authority and seal of this court directing respondent court to vacate its previous order denying the motion of petitioner Medical Center to

strike punitive damages allegations and the related prayer in the pending proceeding and to issue a new order granting that motion. Petitioner is awarded costs in this proceeding.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.